

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TRUSTEES OF CENTRAL LABOERERS'
PENSION, WELFARE & ANNUITY FUNDS,

Plaintiff,

v.

ASPHALT MAINTENANCE, LLC,

Defendant.

Case No. 13-cv-490-JPG-SCW

MEMORANDUM AND ORDER

This matter comes before the Court on the defendant's motion to set aside entry of default (Doc. 9). The motion represents that the plaintiff does not object to the motion.

Federal Rule of Civil Procedure 55(c) provides that a court may set aside entry of default for good cause. The Court should do so if the defendant shows (1) good cause for his default; (2) quick action to correct it; and (3) a meritorious defense to the complaint. *Pretzel & Stouffer v. Imperial Adjusters*, 28 F.3d 42, 45 (7th Cir. 1994). The defendant's motion does not satisfy the first and third elements of this test. Accordingly, the Court **DENIES** the motion **without prejudice** (Doc. 9).

The Court further notes that following entry of default, the plaintiff has failed to move for default judgment under Federal Rule of Civil Procedure 55(b). The Court **ORDERS** the plaintiff to **SHOW CAUSE** on or before March 31, 2014, why the Court should not dismiss this case for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority to manage its docket. *See In re Bluestein & Co.*, 68 F.3d 1022, 1025 (7th Cir. 1995). Failure to respond in a timely manner to this order may result in dismissal of this action. The plaintiff's filing of a proper motion for default judgment or a notice of dismissal shall be a satisfactory response to this order to show cause.

IT IS SO ORDERED.

DATED: February 28, 2014

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE